

Sec.
5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

5751. Travel expenses of witnesses.
5752. Travel expenses of Senior Executive Service candidates.
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5757.¹ Extended assignment incentive.
5759. Retention and relocation bonuses for the Federal Bureau of Investigation.
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AMENDMENTS

2006—Pub. L. 109-163, div. A, title XI, § 1121(b), Jan. 6, 2006, 119 Stat. 3452, added item 5760.

2004—Pub. L. 108-447, div. B, title I, § 113(b), Dec. 8, 2004, 118 Stat. 2869, added item 5759.

Pub. L. 108-411, title I, § 101(a)(2), Oct. 30, 2004, 118 Stat. 2309, substituted “Retention bonuses” for “Retention allowances” in item 5754.

2002—Pub. L. 107-273, div. A, title II, § 207(a)(2), Nov. 2, 2002, 116 Stat. 1780, added item 5757 “Extended assignment incentive”.

2001—Pub. L. 107-107, div. A, title XI, § 1112(b), Dec. 28, 2001, 115 Stat. 1239, added item 5757 “Payment of expenses to obtain professional credentials”.

1998—Pub. L. 105-264, §§ 4(b), 5(c), Oct. 19, 1998, 112 Stat. 2354, 2355, added items 5706c, 5710, and 5739.

1996—Pub. L. 104-201, div. A, title XVI, § 1605(a)(2), title XVII, § 1723(c), Sept. 23, 1996, 110 Stat. 2736, 2759, added items 5736 to 5738 and 5756.

1994—Pub. L. 103-337, div. A, title III, § 345(a)(2), Oct. 5, 1994, 108 Stat. 2724, added item 5735.

1992—Pub. L. 102-378, § 2(46), Oct. 2, 1992, 106 Stat. 1353, struck out “; manpower shortage positions” after “trainees” in item 5723 and added item 5755.

1990—Pub. L. 101-509, title V, § 529 [title II, §§ 206(a)(2), 208(b)], Nov. 5, 1990, 104 Stat. 1427, 1457, 1460, added items 5706b, 5753, and 5754.

Pub. L. 101-391, § 4(b), Sept. 25, 1990, 104 Stat. 750, added item 5707a.

1986—Pub. L. 99-234, title I, §§ 103(b), 106(b), Jan. 2, 1986, 99 Stat. 1758, 1759, added items 5706a and 5734.

1983—Pub. L. 98-151, § 118(a)(7)(A)(ii), Nov. 14, 1983, 97 Stat. 979, added items 5724b and 5724c.

1978—Pub. L. 95-454, title IV, § 409(c), Oct. 13, 1978, 92 Stat. 1173, added item 5752.

1975—Pub. L. 94-22, § 7, May 19, 1975, 89 Stat. 86, inserted “and reports” after “Regulations” in item 5707.

1970—Pub. L. 91-563, § 4(b), Dec. 19, 1970, 84 Stat. 1477, added heading of Subchapter IV and item 5751.

Pub. L. 91-481, § 1(2), Oct. 21, 1970, 84 Stat. 1081, added item 5709.

1967—Pub. L. 90-206, title II, § 222(c)(2), Dec. 16, 1967, 81 Stat. 641, added item 5733.

Pub. L. 90-83 § 1(37)(B), Sept. 11, 1967, 81 Stat. 205, added item 5724a.

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

§ 5701. Definitions

Except as otherwise provided in section 5707(d),¹ for the purpose of this subchapter—

(1) “agency” means—

- (A) an Executive agency;
- (B) a military department;
- (C) an office, agency, or other establishment in the legislative branch;
- (D) an office, agency, or other establishment in the judicial branch; and
- (E) the government of the District of Columbia;

but does not include—

- (i) a Government controlled corporation;
- (ii) a Member of Congress; or
- (iii) an office or committee of either House of Congress or of the two Houses;

(2) “employee” means an individual employed in or under an agency including an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at \$1 a year;

(3) “subsistence” means lodging, meals, and other necessary expenses for the personal sustenance and comfort of the traveler;

(4) “per diem allowance” means a daily payment instead of actual expenses for subsistence and fees or tips to porters and stewards;

(5) “Government” means the Government of the United States and the government of the District of Columbia; and

(6) “continental United States” means the several States and the District of Columbia, but does not include Alaska or Hawaii.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 498; Pub. L. 94-22, § 2(a), May 19, 1975, 89 Stat. 84; Pub. L. 99-234, title I, § 101, Jan. 2, 1986, 99 Stat. 1756; Pub. L. 101-391, § 5(a)(2), Sept. 25, 1990, 104 Stat. 751.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1)–(5)	5 U.S.C. 835.	June 9, 1949, ch. 185, § 2, 63 Stat. 166.
(6)	[Uncodified].	Aug. 14, 1961, Pub. L. 87-139, § 8(c), 75 Stat. 340.

In paragraph (1), the word “agency” is substituted for “departments and establishments”. The terms “Executive agency” and “military department” are substituted for “any executive department, independent commission, board, bureau, office, agency, or other establishment in the executive branch of the Government, including wholly owned Government corporations” in view of the definitions in sections 105 and 102. The exception of “a Government controlled corporation” is added in subparagraph (i) to preserve the application of this subchapter to “wholly owned Government corporations”.

Paragraph (2) is added for convenience and to eliminate the necessity of referring to “civilian officers and employees of the agencies” elsewhere in the text of the subchapter.

In paragraph (4), the words “for subsistence and fees or tips to porters and stewards” are added on authority of the words “in lieu of their actual expenses of subsistence and all fees or tips to porters and stewards” and “in lieu of subsistence” in former sections 836 and 73b-2, which are carried into sections 5702 and 5703, respectively.

Paragraph (5) is added for convenience and is based in part on former section 835(1)(A) and, insofar as concerns section 5703, on section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

¹ So in original. Two sections 5757 have been enacted.

¹ See References in Text note below.

Paragraph (6), insofar as concerns section 5703, is based in part on section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

The definition of “Member of Congress” in former section 835(4) is omitted as unnecessary in view of the definition of “Member of Congress” in section 2106.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Section 5707(d) of this title, referred to in text, was repealed by Pub. L. 104-201, div. A, title XVI, §1614(a)(1), Sept. 23, 1996, 110 Stat. 2739.

AMENDMENTS

1990—Pub. L. 101-391 substituted “Except as otherwise provided in section 5707(d), for the purpose” for “For the purpose”.

1986—Par. (4). Pub. L. 99-234 amended par. (4) generally, striking out “flat rate” before “payment”.

1975—Par. (2). Pub. L. 94-22 redefined “employee” to include individuals employed intermittently as experts or consultants and paid on a daily when-actually-employed basis, and individuals serving without pay at \$1 a year.

EFFECTIVE DATE OF 1986 AMENDMENT; REGULATIONS

Section 301 of Pub. L. 99-234 provided that:

“(a) The Administrator of General Services shall promulgate regulations implementing the amendments made by sections 101, 102, 103, 104, and 106 of this Act [enacting sections 5706a and 5734 of this title and amending this section and sections 5702 and 5707 of this title] not later than 150 days after the date of enactment of this Act [Jan. 2, 1986]. The amendments made by title I of this Act [enacting sections 5706a and 5734 of this title and amending this section, sections 5702, 5707, and 5724a of this title, section 476 of Title 2, The Congress, section 2396 of Title 22, Foreign Relations and Intercourse, section 4941 of Title 26, Internal Revenue Code, section 456 of Title 28, Judiciary and Judicial Procedure, section 326 of Title 31, Money and Finance, and section 2477 of Title 42, The Public Health and Welfare] shall take effect on the effective date of such regulations, or 180 days after the date of enactment of this Act [Jan. 2, 1986], whichever occurs first.

“(b) The amendments made by section 201 of this Act [enacting section 420 of Title 41, Public Contracts] shall take effect 30 days after the effective date of the amendments made by title I.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-264, §1, Oct. 19, 1998, 112 Stat. 2350, provided that: “This Act [enacting sections 5706c, 5710, and 5739 of this title, amending sections 5721 to 5724, 5724a, 5725, 5727 to 5729, 5731, and 5732 of this title, section 3413 of Title 12, Banks and Banking, and sections 3322, 3528, and 3726 of Title 31, Money and Finance, and enacting provisions set out as notes under this section, section 5706c of this title, and section 3322 of Title 31] may be cited as the ‘Travel and Transportation Reform Act of 1998’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-201, div. A, title XVII, §1701, Sept. 23, 1996, 110 Stat. 2752, provided that: “This title [enacting sections 5737, 5738, and 5756 of this title, amending sections 3375, 5722 to 5724c, 5726 to 5729, and 5731 of this title, section 1348 of Title 31, Money and Finance, section 707 of Title 38, Veterans’ Benefits, and sections 290aa and 299c-4 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 5722 of this title] may be cited as the ‘Federal Employee Travel Reform Act of 1996’.”

SHORT TITLE OF 1986 AMENDMENT

Section 1 of Pub. L. 99-234 provided that: “This Act [enacting sections 5706a and 5734 of this title and sec-

tion 420 of Title 41, Public Contracts, amending this section, sections 5702, 5707, and 5724a of this title, section 476 of Title 2, The Congress, section 2396 of Title 22, Foreign Relations and Intercourse, section 4941 of Title 26, Internal Revenue Code, section 456 of Title 28, Judiciary and Judicial Procedure, section 326 of Title 31, Money and Finance, and section 2477 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and section 420 of Title 41] may be cited as the ‘Federal Civilian Employee and Contractor Travel Expenses Act of 1985’.”

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94-22 provided: “That this Act [amending this section, sections 5702, 5703, 5704, 5705, and 5707 of this title, and section 68b of Title 2, The Congress, and enacting provisions set out as a note under section 5707 of this title] may be cited as the ‘Travel Expense Amendments Act of 1975’.”

eTRAVEL SERVICE

Pub. L. 108-447, div. G, title II, §209, Dec. 8, 2004, 118 Stat. 3193, provided that: “Notwithstanding any other provision of law, no entity within the legislative branch shall be required to use the eTravel Service established by the Administrator of General Services for official travel by officers or employees of the entity during fiscal year 2005 or any succeeding fiscal year.”

CREDITWORTHINESS OF INDIVIDUALS TO BE ISSUED GOVERNMENT CHARGE CARDS

Pub. L. 110-161, div. D, title VII, §743, Dec. 26, 2007, 121 Stat. 2032, provided that: “Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual’s consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508 [90-321]) [15 U.S.C. 1681a]: *Provided*, [Proviso amended section 1681b of Title 15, Commerce and Trade.]: *Provided further*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 109-115, div. A, title VIII, §846, Nov. 30, 2005, 119 Stat. 2507.

Pub. L. 108-447, div. H, title VI, §639, Dec. 8, 2004, 118 Stat. 3281.

Pub. L. 108-199, div. F, title VI, §638, Jan. 23, 2004, 118 Stat. 358.

REQUIRING USE OF TRAVEL CHARGE CARD

Pub. L. 105-264, §2, Oct. 19, 1998, 112 Stat. 2350, provided that:

“(a) IN GENERAL.—Under regulations issued by the Administrator of General Services after consultation with the Secretary of the Treasury, the Administrator shall require that Federal employees use the travel

charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel. The Administrator shall exempt any payment, person, type or class of payments, or type or class of personnel from any requirement established under the preceding sentence in any case in which—

“(1) it is in the best interest of the United States to do so;

“(2) payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

“(3) the Secretary of Defense or the Secretary of Transportation (with respect to the Coast Guard) requests an exemption with respect to the members of the uniformed services.

“(b) AGENCY EXEMPTION.—The head of a Federal agency or the designee of such head may exempt any payment, person, type or class of payments, or type or class of agency personnel from subsection (a) if the agency head or the designee determines the exemption to be necessary in the interest of the agency. Not later than 30 days after granting such an exemption, the head of such agency or the designee shall notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

“(c) LIMITATION ON RESTRICTION ON DISCLOSURE.—

“(1) IN GENERAL.—[Amended section 3413 of Title 12, Banks and Banking.]

“(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is effective as of October 1, 1983, and applies to any records created pursuant to the United States Travel and Transportation Payment and Expense Control System or any Federal contractor-issued travel charge card issued for official Government travel.

“(d) COLLECTION OF AMOUNTS OWED.—

“(1) IN GENERAL.—Under regulations issued by the Administrator of General Services and upon written request of a Federal contractor, the head of any Federal agency or a disbursing official of the United States may, on behalf of the contractor, collect by deduction from the amount of pay owed to an employee of the agency any amount of funds the employee owes to the contractor as a result of delinquencies not disputed by the employee on a travel charge card issued for payment of expenses incurred in connection with official Government travel. The amount deducted from the pay owed to an employee with respect to a pay period may not exceed 15 percent of the disposable pay of the employee for that pay period, except that a greater percentage may be deducted upon the written consent of the employee.

“(2) DUE PROCESS PROTECTIONS.—Collection under this subsection shall be carried out in accordance with procedures substantially equivalent to the procedures required under section 3716(a) of title 31, United States Code.

“(3) DEFINITIONS.—For the purpose of this subsection:

“(A) AGENCY.—The term ‘agency’ has the meaning that term has under section 101 of title 31, United States Code.

“(B) EMPLOYEE.—The term ‘employee’ means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service.

“(C) MEMBER; UNIFORMED SERVICE.—Each of the terms ‘member’ and ‘uniformed service’ has the meaning that term has in section 101 of title 37, United States Code.

“(e) REGULATIONS.—Within 270 days after the date of the enactment of this Act [Oct. 19, 1998], the Administrator of General Services shall promulgate regulations implementing this section, that—

“(1) make the use of the travel charge card established pursuant to the United States Travel and

Transportation System and Expense Control System, or any Federal contractor-issued travel charge card, mandatory for all payments of expenses of official Government travel pursuant to this section;

“(2) specify the procedures for effecting under subsection (d) a deduction from pay owed to an employee, and ensure that the due process protections provided to employees under such procedures are no less than the protections provided to employees pursuant to section 3716 of title 31, United States Code;

“(3) provide that any deduction under subsection (d) from pay owed to an employee may occur only after reimbursement of the employee for the expenses of Government travel with respect to which the deduction is made; and

“(4) require agencies to promptly reimburse employees for expenses charged on a travel charge card pursuant to this section, and by no later than 30 days after the submission of a claim for reimbursement.

“(f) REPORTS.—

“(1) IN GENERAL.—The Administrator of General Services shall submit 2 reports to the Congress on agency compliance with this section and regulations that have been issued under this section.

“(2) TIMING.—The first report under this subsection shall be submitted before the end of the 180-day period beginning on the date of the enactment of this Act [Oct. 19, 1998], and the second report shall be submitted after that period and before the end of the 540-day period beginning on that date of enactment.

“(3) PREPARATION.—Each report shall be based on a sampling survey of agencies that expended more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. The head of an agency shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director of the Office of Management and Budget.

“(g) REIMBURSEMENT OF TRAVEL EXPENSES.—In accordance with regulations prescribed by the Administrator of General Services, the head of an agency shall ensure that the agency reimburses an employee who submits a proper voucher for allowable travel expenses in accordance with applicable travel regulations within 30 days after submission of the voucher. If an agency fails to reimburse an employee who has submitted a proper voucher within 30 days after submission of the voucher, the agency shall pay the employee a late payment fee as prescribed by the Administrator.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

§ 5702. Per diem; employees traveling on official business

(a)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee, when traveling on official business away from the employee’s designated post of duty, or away from the employee’s home or regular place of business (if the employee is described in section 5703 of this title), is entitled to any one of the following:

(A) a per diem allowance at a rate not to exceed that established by the Administrator of General Services for travel within the continental United States, and by the President or his designee for travel outside the continental United States;

(B) reimbursement for the actual and necessary expenses of official travel not to exceed